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Attorney for Defendant  
Tracy Painter

**UNITED STATES DISTRICT COURT**

**IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

United States of America,	)	Case No.: Cr.S-10-223-JAM
	)	
Plaintiff,	)	<b>STIPULATION FOR SETTING DATE</b>
	)	<b>FOR SENTENCING AND ORDER</b>
vs.	)	
	)	<b>Date: August 19, 2014</b>
Tracy Painter,	)	<b>Time: 9:30 a.m.</b>
	)	<b>Judge: Hon. John A. Mendez</b>
Defendant	)	
	)	
	)	
	)	
	)	

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**PROCEDURAL HISTORY**

On December 11, 2012, Tracy Painter pled guilty to Count 1 of the Indictment, Conspiracy to Commit Mail Fraud and Make False Statements in Mortgage Applications. For a variety of strategic and procedural reasons, the prosecution requested to continue sentencing until other co-defendant's cases were resolved.

Sentencing was set for August 20, 2013. However, since then, the case has been re-set a number of times for hearings on setting a date for sentencing. On the last Court appearance, May 20, 2014, the Court instructed probation to prepare an update to the pre-sentence report in this matter, since the PSR was almost one year old. That update has not yet been received by either counsel.

Both counsel for the government and for the defendant wish to review the updated PSR, file corrections if necessary, and then file sentencing memoranda.

Therefore, we are requesting the Court continue the Sentencing Hearing to the date of October 28, 2014 at 9:30 a.m. and adopt the following disclosure schedule, to which all parties and agree:

Judgment and Sentencing date: 10-28-14

Motion for Correction of the Presentence Report shall be filed with the Court and served on the Probation Officer and opposing counsel no later than: 9-30-14

The Presentence Report shall be filed with the Court and disclosed to counsel no later than: 9-16-14

Counsel's written objections to the Presentence Report shall be delivered to the probation officer and opposing counsel no later than: 9-2-14

The proposed updated Presentence Report shall be disclosed to counsel no later than: 8-19-14

### STIPULATION

Plaintiff, United States, and Defendant, Tracy Painter, through their undersigned counsel, hereby stipulate and agree that the Court may re-set the date for sentencing in the above-mentioned case to October 28, 2014 at 9:30 a.m.

**IT IS SO STIPULATED.**

DATED: August 12, 2014

**BENJAMIN WAGNER**  
United States Attorney

/s/ Philip Ferrari, Esq. by  
by Jan David Karowsky w/  
Mr. Ferrari's approval

by

Philip Ferrari  
Assistant U.S. Attorney  
by Jan David Karowsky

DATED: August 12, 2014

JAN DAVID KAROWSKY  
Attorney at Law  
A Professional Corporation

/s/ Jan David Karowsky, Esq.

by

JAN DAVID KAROWSKY  
Attorney for Defendant  
Tracy Painter

**ORDER**

Based on the stipulation of the parties and good cause appearing therefrom, the Court hereby finds that the failure to grant a continuance of the date now set for sentencing in this case would deny respective counsel for both parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court specifically finds that the ends of justice served by the granting of such a continuance outweigh the interests of the public and the defendant in sentencing on the date now set.

Based on these findings and pursuant to the stipulation of the parties, the Court hereby adopts the stipulation of the parties in its entirety as its order.

**IT IS SO ORDERED.**

Dated: 8/11/2014

/s/ John A. Mendez  
**JOHN A MENDEZ, Judge**  
United States District Court